

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JULIE CARTER,)
)
Plaintiff,) 4:08CV3085
)
V.)
)
STEPHEN BAILEY, and KEITH) **MEMORANDUM AND ORDER**
YARBROUGH,)
)
Defendants.)
)

On May 14, 2009, the court entered a memorandum and order ([filing 26](#)) giving Plaintiff until May 28, 2009, to file an affidavit showing cause as to why this action should not be dismissed as to Defendant Keith Yarbrough for failure to serve process. Plaintiff complied with this order by filing an affidavit on May 27, 2009 ([filing 33](#)). Upon the representations contained in Plaintiff's affidavit ([filing 33](#)) the court is satisfied that Plaintiff has, to date, made reasonable efforts to locate and serve Defendant Yarbrough. Accordingly, this action will not be dismissed as to Defendant Yarbrough at this time. Plaintiff is given until August 10, 2009, to serve Defendant Yarbrough.

IT IS ORDERED that Plaintiff shall serve Defendant Yarbrough with process by August 10, 2009. If service is not made by this date, Plaintiff shall again show cause, by affidavit, as to why this action shall not be dismissed as to Defendant Yarbrough.

June 9, 2009.

BY THE COURT:
s/Richard G. Kopf
United States District Judge